

**FLORIDA | Board of Clinical Laboratory Personnel**

**MEETING MINUTES**

May 22, 2015

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Carleen P. Van Siclen, MS, MLS (ASCP)

***Chair***

Linda Valdes, MS, MT (ASCP)

***Vice-Chair***

Anthony B. Spivey, DBA

***Executive Director***

1 **General Board Business started: 9:03 a.m.**

- 2  
3 I. The meeting was called to order by Ms. Van Siclen, Chair, at approximately 9:03 a.m. Those present for all or part  
4 of the meeting included the following:

5  
6 **MEMBERS PRESENT:**

7 Carleen Van Siclen, MSHA, MLS (ASCP), Chair  
8 Linda Valdes, MS, MT (ASCP), Vice Chair  
9 Beatriz Montoya, MBA, DMD, BSMT, AMT  
10 Steven Shelfer, MT (ASCP)  
11 Michele Morgan, DBA

12 **STAFF PRESENT:**

Anthony B. Spivey, DBA, Executive Director  
Joseph Lesho, Program Operations Administrator  
Savada Knight, Regulatory Supervisor  
Kelly Woodard, Regulatory Specialist II  
Julia Gilyard, Regulatory Specialist II

13 **Action Taken:** Motion to excuse the absence of Alvaro A. Hernandez, MBA was made by Ms. Van Siclen and  
14 seconded by Ms. Valdes.

15 Vote: 5 yeas / 0 opposed; motion carried

16  
17 **BOARD COUNSEL:**

18 Deborah Bartholow Loucks, Assistant Attorney General  
19 Office of Attorney General

20  
21 **COURT REPORTER:**

22 For the Record  
23 (850) 222-5491

24  
25 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda*  
26 *outline. AUDIO from this meeting can be found online: <http://floridasclinicallabs.gov/>*

27  
28 **General Board Business started at 9:05 a.m.**

29 **Section II started at 9:05 a.m.**

30  
31 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF CLINICAL LABORATORY**  
32 **PERSONNEL:**

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34 Minutes of the March 6, 2015 General Business Meeting were reviewed.

35  
36 Ms. Loucks noted corrections that needed to be made to the footer on page 1, line 41 on page 3, line 56 on page 4,  
37 and line 41 on page 5.

38  
39 **Action taken:** Motion to accept the minutes with the noted corrections was made by Ms. Van Siclen and seconded  
40 by Ms. Valdes.

41 Vote: 5 yeas / 0 opposed; motion carried

42  
43 **Section II ended at 9:08 a.m.**

44 **Section IV started at 9:08 a.m.**

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46 **IV. PROSECUTION REPORT:**

47 Mr. Lesho explained that he spoke with the prosecuting attorney, Ms. Elana Jones, Esq., and she informed him  
48 that there are no urgent matters pertaining to this board, but if any issues arise, he will inform the board as soon  
49 as possible.

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51 **Section IV ended at 9:09 a.m.**

52 **Section V started at 9:09 a.m.**

53  
54 **V. PETITIONS WITH APPLICATIONS:**

55

1           **a. Julianne Gail Hubert – Technologist Present**

2           Ms. Hubert was present and not represented by counsel. Ms. Donna Lasko, licensed Supervisor, was also  
3           present on her behalf.  
4

5           The board office received Ms. Hubert’s application for licensure as a Technologist in the area of Serology  
6           on February 25, 2015; however, Ms. Hubert submitted proof of successful completion of the ASCP  
7           certification in cytometry. Ms. Hubert has submitted a Petition for Waiver/Variance from Rule 64B3-5.003,  
8           F.A.C. requesting that the board accept her cytometry certification and approve her application for  
9           licensure.  
10

11           **Discussion:**

12           Ms. Hubert addressed the board and explained the reason for her petition.  
13

14           Ms. Valdes asked Ms. Hubert why she had applied for serology, as she believed that the documents  
15           presented suggested that she should have applied for hematology.  
16

17           Ms. Hubert and Ms. Lasko explained to the board that the state of Florida does not recognize cytometry as  
18           a sub-specialty, but that the sub-specialty originally fell under immunology/serology. Ms. Lasko explained  
19           that she herself is certified in cytometry, but holds a license as a Supervisor in serology.  
20

21           After additional discussion, Mr. Shelfer stated that he believed her education and work experience was  
22           satisfactory, and made a motion to grant the petition.  
23

24           **Action taken:** Motion to grant the Petition for Waiver/Variance was made by Mr. Shelfer and seconded by  
25           Ms. Montoya.

26           Vote: 5 yeas / 0 opposed; motion carried  
27

28           **Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded  
29           by Mr. Shelfer.

30           Vote: 5 yeas / 0 opposed  
31

32  
33           **b. Serra Kazancioglu – Technologist Present**

34           Mr. Lesho noted that this application did not include a petition, and therefore should have been placed  
35           under Section IV of the agenda. The board decided to table the case until that portion of the agenda was  
36           reached.  
37

38           **c. Joseph Essex Wagstaff – Supervisor Not present**

39           Mr. Wagstaff was not present and not represented by counsel.  
40

41           The board office received Mr. Wagstaff’s application for licensure as a Supervisor in the Generalist  
42           specialty area on February 11, 2015. Mr. Wagstaff has submitted proof of 3 years of clinical laboratory  
43           experience; however, he chose option 3a, which requires “5 years of pertinent clinical laboratory  
44           experience.” Mr. Wagstaff has submitted a Petition for Waiver/Variance from Rule 64B3-5.002, F.A.C.  
45           requesting that the board accept his experience and approve his application for licensure.  
46

47           **Action taken:** Motion to deny the Petition for Waiver/Variance and deny the application for licensure  
48           because the petition did not meet the purpose of underlying statute was made by Ms. Van Siclen and  
49           seconded by Ms. Valdes.  
50

51           Vote: 5 yeas / 0 opposed; motion carried  
52

53           Section V ended 9:23 a.m.

54           Section VI started 9:23 a.m.

55           **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**  
56

1                   **Serra Kazancioglu – Technologist Present (Continued from Section V)**

2                   Ms. Kazancioglu was present and not represented by counsel.

3  
4                   The board office received Ms. Kazancioglu’s application for licensure to add the specialty area of Clinical  
5                   Chemistry on March 12, 2015. Ms. Kazancioglu submitted employment verification documentation  
6                   indicating that she has experience working in the state of Florida in the area of Clinical Chemistry, but has  
7                   never held a license to practice in the specialty area of Clinical Chemistry. The board office was unable to  
8                   determine whether or not unlicensed activity had occurred, and referred the application to the Credentials  
9                   Committee. Ms. Valdes expressed that she does not believe unlicensed activity has occurred, but stated that  
10                  because the employer in question is not part of an approved training program, her experience requirements  
11                  have not been met. The application and supporting documentation are being presented to the Full Board for  
12                  review and final action.

13  
14                  Ms. Kazancioglu has an existing Technologist license in the area of Histology.

15                  **Discussion:**

16                  Ms. Kazancioglu explained to the board that she had difficulty finding an approved training program in the  
17                  appropriate field.

18  
19                  Additional discussion ensued, and a motion was made.

20                  **Action taken:** Motion to approve the application for licensure was made by Mr. Shelfer and seconded by  
21                  Ms. Montoya.

22                  Vote: 5 yeas / 0 opposed; motion carried

23  
24  
25  
26  
27                  **a. William Earl Cleveland – Technologist**

28                  Mr. Cleveland was present and not represented by counsel.

29  
30                  The board office received Mr. Cleveland’s application for licensure as a Technologist in the area of Clinical  
31                  Chemistry on January 29, 2015. Mr. Cleveland submitted employment verification documentation  
32                  indicating that he has experience working in the state of Florida in the area of Clinical Chemistry, but has  
33                  never held a license to practice. The board office was unable to determine whether or not unlicensed  
34                  activity had occurred, and referred the application to the Credentials Committee. The Credentials  
35                  Committee has referred the application and supporting documentation to the Full Board for review and  
36                  final action.

37                  **Discussion:**

38                  Mr. Cleveland explained his work history and experience, including a period of time during which he was  
39                  employed in the state of Michigan.

40  
41                  Ms. Van Siclen asked why he had not noted the Michigan experience on his application, to which he  
42                  replied that it was omitted in error. He then referenced an e-mail from his supervisor which detailed the  
43                  experience in Michigan, and was included in the board agenda materials.

44  
45                  After additional discussion, a motion was made.

46                  **Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded  
47                  by Mr. Shelfer.

48                  Vote: 5 yeas / 0 opposed; motion carried

49  
50  
51                  **b. David Christopher Otero – Trainee**

52                  Mr. Otero was present and not represented by counsel.

53  
54                  The board office received Mr. Otero’s application for licensure as a Trainee in the area of Histology on  
55                  March 9, 2015. Mr. Otero responded “yes” to an applicant history question, and submitted additional  
56

documentation regarding the circumstances of the affirmative response. The application and supporting documentation are being presented to the Full Board for review and final action.

**Discussion:**

After a brief discussion regarding the applicant history, a motion was made.

**Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded by Ms. Valdes.

Vote: 5 yeas / 0 opposed; motion carried

**c. Julianne Mercedes Kaiser – Technician**

Ms. Kaiser was present and not represented by counsel.

The board office received Ms. Kaiser's application for licensure as a Technician in the Generalist specialty area on March 31, 2015. Ms. Kaiser responded "yes" to certain applicant history questions. Ms. Kaiser included additional documentation with her application regarding the circumstances of the affirmative response. The application and supporting documentation are being presented to the Full Board for review and final action.

**Discussion:**

Dr. Morgan noted that cases like this typically include a recommendation from the applicant's treating physician, and asked why that was not included in this case.

After additional discussion, the board asked Ms. Kaiser to obtain a recommendation from her treating physician indicating whether or not she is safe to practice. Ms. Loucks asked Ms. Kaiser if she was willing to waive her 90 days in order to obtain this letter and appear before the board at the next meeting. Ms. Kaiser agreed to do so.

**Action taken:** Motion to ask that Ms. Kaiser submit additional documentation from her treating physician and bring the application back to the next board meeting was made by Dr. Morgan and seconded by Ms. Van Siclen.

Vote: 5 yeas / 0 opposed; motion carried

**Section VI ended 10:01 a.m.**

**The board took a 15-minute break**

**Section III started at 10:17 a.m.**

**III. BOARD COUNSEL REPORT:**

**a. Rules Status**

Ms. Loucks presented the rules status report that was included in the board agenda materials.

Ms. Van Siclen questioned the effective date of 4/5/2015 for Rule 64B3-5.003, F.A.C. Ms. Loucks explained that two different versions of that rule were put in process at the same time, and that one was still pending.

**b. Rules Hearing –**

**i. Rule 64B3-6.001, F.A.C.**

Ms. Loucks explained that the Joint Administrative Procedures Committee (JAPC) submitted a letter expressing concerns over certain parts of the proposed rule language. She noted corrections

1 to the language in response to JACP's concerns, including modifying some of the web addresses  
2 listed in the rule which were outdated.

3  
4 **Action taken:** Motion to accept the changes to the proposed rule language, in addition to updating  
5 the URLs in the rule was made by Ms. Van Siclen and seconded by Ms. Montoya.

6 Vote: 5 yeas / 0 opposed; motion carried  
7

8 **c. Discussion – Rule 64B3-11.001, F.A.C.**

9 During the March 6, 2015 meeting, Ms. Van Siclen asked that the board discuss possible changes to this  
10 rule. The rule states that as part of the minimum 24 contact hours required for continuing education,  
11 licensees must take a one hour laws and rules course, or attend a public meeting of the board at which  
12 disciplinary actions are addressed. The rule specifically states that conference calls do not satisfy this  
13 requirement. During the previous meeting, Ms. Van Siclen expressed her belief that though the conference  
14 calls do not typically involved disciplinary cases, she feels that they can still be educational and beneficial  
15 to licensees, so she would like this language to be reviewed.

16  
17 **Discussion:**

18 Ms. Van Siclen began the discussion by suggesting that the phrase “at which disciplinary actions are  
19 addressed” be stricken, while still requiring licensees to attend an in-person meeting (as opposed to a  
20 conference call). She then asked each board member for their thoughts on the issue.

21  
22 After additional discussion, Ms. Van Siclen made a motion.

23  
24 **Action taken:** Motion to strike “at which disciplinary actions are addressed” from Rule 64B3-11.001,  
25 F.A.C. made by Ms. Van Siclen and seconded by Mr. Shelfer.

26 Vote: 5 yeas / 0 opposed; motion carried  
27

28 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small  
29 business, or be likely to directly or indirectly increase regulatory costs to any entity, including the  
30 government, in excess of \$200,000 in the aggregate in the state of Florida within one year after the  
31 implementation of the rule, or be likely to increase regulatory costs by more than \$2,000,000 within the  
32 next five years.

33  
34 **Action taken:** Motion to respond “no” to each of the questions was made by Ms. Van Siclen and seconded  
35 by Mr. Shelfer.

36 Vote: 5 yeas / 0 opposed; motion carried  
37

38 **d. Annual Regulatory Plan**

39 Ms. Loucks presented the 2015-2016 Annual Regulatory Plan. She also explained to the board that the  
40 original deadline for completion of the Annual Regulatory Plan was July 1, 2015, but recent legislation was  
41 passed that would move this deadline to October 1, 2015. In light of that fact, the report presented was just  
42 an FYI, and will need to be revised and presented again at a later meeting.

43  
44 **e. North Carolina State Board of Dental Examiners v. FTC**

45 Ms. Loucks explained the issue and the reason why the FTC took action against the North Carolina State  
46 Board of Dental Examiners. She stated that she does not believe that the Florida health care regulatory  
47 boards have an issue due to the structure and processes of the boards. She also explained that the FTC will  
48 create guidelines to define “active supervision” of a regulatory board, and mentioned pending lawsuits  
49 related to this issue in Mississippi and Texas.

50  
51 **Section III ended at 10:44 a.m.**

52 **Section VII started at 10:44 a.m.**  
53

54 **VII. RATIFICATION OF LICENSURE:**

55 **a. Clinical Laboratory Personnel**  
56

1           **b. Clinical Laboratory Personnel Trainees**

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3           **a. Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel licenses listed on pages 354  
4 through 356 of the agenda was made by Ms. Van Siclen and seconded by Ms. Montoya.  
5           Vote: 5 yeas / 0 opposed; motion carried

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7           **b. Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel Trainee licenses listed on  
8 pages 357 through 358 of the agenda was made by Ms. Van Siclen and seconded by Ms. Valdes.  
9           Vote: 5 yeas / 0 opposed; motion carried

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11           Section VII ended 10:45 a.m.

12           Section VIII started 10:45 a.m.

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14           **VIII. CHAIR/VICE CHAIR REPORT:**

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16           **a. New Business**

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18           **i. Discussion of CE requirements for Histology (Immunohistochemistry/Advanced Histology)**

19           After discussion, the board agreed that a list of specific CE requirements to complete a license upgrade  
20 to Immunohistochemistry/Advanced Histology should be added to the board rules. Ms. Loucks  
21 suggested the list be added to Rule 64B3-11.002, F.A.C.

22  
23           The board directed staff to contact The Florida Society for Histotechnology and invite them to the next  
24 meeting to assist with the development of this list.

25  
26           Section VII ended 11:00 a.m.

27           Section IX started 11:00 a.m.

28  
29           **IX. EXECUTIVE DIRECTOR'S REPORT:**

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31           **a. Delegation of Authority**

32           Dr. Spivey presented the 2015-2016 Annual Delegation of Authority.

33  
34           **Action taken:** Motion to accept the Delegation of Authority as presented in the board agenda materials was  
35 made by Ms. Van Siclen and seconded by Mr. Shelfer.  
36           Vote: 5 yeas / 0 opposed; motion carried

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38           Section IX ended 11:02 a.m.

39           Section X started 11:02 a.m.

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41           **X. COMMITTEE REPORTS:**

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43           **a. Budget – Dr. Morgan:** Nothing to report

44  
45           **b. Continuing Education – Ms. Valdes**

46  
47           **i. CE Providers and Courses approved by CE Committee:**

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49           **Action taken:** Motion to ratify CE providers and courses approved by CE Committee was made  
50 by Ms. Van Siclen, seconded by Mr. Shelfer.  
51           Vote: 5 yeas / 0 opposed; motion carried

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53           **c. Credentials – Ms. Van Siclen/ Ms. Valdes:** Nothing to report

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55           **d. Disciplinary Compliance – Mr. Hernandez:** Mr. Hernandez was not present, therefore no report was  
56 given

1  
2 **e. Examinations – Dr. Montoya:** Nothing to report  
3

4 **f. Healthiest Weight – Mr. Hernandez:**  
5

6 **i. State Level Efforts to Achieve Healthy Weight in Florida**

7 Mr. Hernandez was not present, therefore no report was given  
8

9 **g. Legislation – Mr. Hernandez:** Not present  
10

11 **h. Probable Cause - Dr. Morgan/Mr. Hernandez:**  
12

13 **i. Stats**

14 Nothing to report  
15

16 **i. Professional Associations – Mr. Shelfer:** Nothing to report  
17

18 **j. Rules – Ms. Van Siclen:** Ms. Van Siclen provided a recap of the discussion to specify the CE requirements  
19 for a licensure upgrade to Immunohistochemistry/Advanced Histology.  
20

21 **k. Training Program – Mr. Shelfer:** Nothing to report  
22

23 **l. Unlicensed Activity – Ms. Valdes:** Nothing to report  
24  
25

26 **Section X ended at 11:05 a.m.**

27 **Section XI began at 11:05 a.m.**  
28

29 **XI. NEXT MEETING DATE – August 7, 2015:**

30 Mr. Lesho explained to the board that the next meeting is scheduled to be in person, but if there are no  
31 disciplinary cases on the agenda, then it will most likely have to be changed to a conference call.  
32

33  
34 **General Board Business concluded at 11:07 a.m.**  
35

36 **XII. ADJOURNMENT**  
37

38 **The meeting was adjourned at 11:07 a.m.**